

REMARKS

Claims 1-28 are pending in the present application. Claims 1-28 have been examined, claims 1-26 are allowed. Claims 27 and 28 are rejected. In the above amendments, Applicant proposes to amend independent claim 27 and claim 28 depending therefrom. Applicant believes that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

35 U.S.C. § 102(b) Anticipation Rejections

Anticipation Rejection Based on U.S. Patent No. 6,675,022 to Burgan *et al.*

Claims 27 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,675,022 to Burgan *et al.* (“Burgan”). Applicant respectfully traverses this rejection, as hereinafter set forth.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant submits that Burgan does not and cannot anticipate under 35 U.S.C. § 102 the presently claimed invention of amended independent claim 27 and claim 28 depending therefrom, because Burgan does not describe, either expressly or inherently, the identical inventions in as complete detail as are contained in the claims.

The Office Action concedes that Applicant’s method claim 23 is allowed over the cited references including Burgan. Specifically, the Office Action states: “Claims 1-26 are allowed.” (Office Action, p. 3).

Applicant’s allowed independent claim 23 recites:

23. A method of receiving broadcast services in a wireless communication system, comprising:
defining *a composite set of broadcast message parameters including at least a first set and a second set of parameters corresponding to first and second broadcast services*;

respectively associating the first set and the second set with first and second active time periods indicative of when broadcast messages for the first and second broadcast services are to be received; and receiving broadcast messages from at least one of the first and second broadcast services in the respective active time period. (Emphasis added.)

Applicant proposes to amend rejected independent claim 27 to include the allowed claim elements of allowed independent claim 23. Specifically, Applicant proposes to amend independent claim 27 to recite:

27. A wireless device in a wireless communication system, comprising:
a controller operative to store *a composite set of broadcast service parameters including at least a first set and a second set of parameters corresponding to first and second broadcast services* and to *respectively associate the first set and the second set with first and second active time periods indicative of when broadcast messages for the first and second broadcast services are to be received;* and
a processing unit operative to process *received broadcast messages from at least one of the first and second broadcast services in the respective active time period.*
(Emphasis added.)

As is clearly noted, Applicant's proposed amendments to independent claim 27 recite claim elements from Applicant's allowed independent claim 23 which the Examiner has conceded distinguish over the cited references including the cited reference of Burgan. Therefore, Applicant's amended independent claim 27 also distinguishes over Burgan. Accordingly, Burgan cannot anticipate under 35 U.S.C. § 102 Applicant's invention as claimed in amended independent claim 27.

Furthermore, since Applicant's proposed amendments to independent claim 27 have already been searched and examined with respect to allowed independent claim 23, Applicant's proposed amendments cannot raise new issues requiring a further search. Accordingly, Applicant respectfully requests the rejection of amended independent claim 27 and claim 28 depending therefrom be withdrawn.

Allowed Claims

Claims 1-26 are allowed. Applicant acknowledges this indication with appreciation.

ENTRY OF AMENDMENTS

The proposed amendments to claims 27 and 28 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search. Finally, if the Examiner determines that the amendments do not place the application in condition for allowance, entry is respectfully requested upon filing of a Notice of Appeal herein.

CONCLUSION

Claims 1-26 are allowed. Claims 27 and 28 are also now allowable. Accordingly, claims 1-28 are believed to be in condition for allowance, and an early notice thereof is respectfully solicited. Should the Examiner determine that additional issues remain which might be resolved by a telephone conference, he is respectfully invited to contact Applicant's undersigned attorney.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: 11/10/2008

By: /Milan I. Patel/
Milan I. Patel, Reg. No. 41,242
(858) 651-6892

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 658-5787
Facsimile: (858) 658-2502